

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**R'KES STARLING,**

Plaintiff,

v.

**No. 4:22-cv-00852-P**

**STERLING FINANCIAL & CO.,**

Defendant.

**ORDER**

Plaintiff filed his Original Complaint on September 22, 2022, alleging various claims against Defendant Sterling Financial & Company. ECF No. 1. Over ninety days later, Plaintiff has yet to serve Defendant.

Federal Rule of Civil Procedure 4 governs the time limit of service and provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

FED. R. CIV. P. 4(m). On December 13, 2022, the Court “remind[ed] Plaintiff that if he fails to file proof of service on or before December 21, 2022, the Court will dismiss all claims under Rule 4(m) and pursuant to Rule 41(b) for failure to prosecute.” See ECF No. 5. Because Plaintiff has failed to serve Defendant within ninety days, provide any status update to the Court regarding service, or request an extension to serve Defendant, the Court **ORDERS** that this case is **DISMISSED without prejudice** under Federal Rule of Civil Procedure 4(m).

**SO ORDERED** on this **23rd day of December 2022**.

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" and last name "Pittman" clearly legible, and "T." in the middle.

Mark T. Pittman

UNITED STATES DISTRICT JUDGE